


**Government of the District of Columbia
Office of the Chief Financial Officer**



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Vincent C. Gray
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: January 30, 2009

SUBJECT: Fiscal Impact Statement: "Fire and Police Disciplinary Action Procedure Act of 2004 Amendment Act of 2009"

REFERENCE: Draft Bill- No Number Available

Conclusion

Funds are sufficient in the FY 2009 through FY 2012 budget and financial plan to implement the provisions of the proposed legislation.

Background

The proposed bill is intended to remedy provisions in the D.C. Official Code which adversely affect the District's ability to take disciplinary action against sworn and civilian members of the Fire and Emergency Medical Services Department (FEMS) and Metropolitan Police Department (MPD).¹

Current law² provides that disciplinary action against these individuals must be taken within 90 days after FEMS or MPD "knew or should have known" about the act, unless the act is investigated by MPD, the Office of the United States Attorney for the District of Columbia, the Office of the Attorney General, or the Office of Police Complaints. In these cases, the 90 day period is "tolled," or stopped, until the conclusion of the investigation. Restricting the tolling of the 90 day period to these District agencies omits criminal investigations in other jurisdictions, where many of the FEMS

¹ See the emergency declaration resolution associated with the emergency version of the proposed bill, titled: "Fire and Police Disciplinary Action Procedure Act of 2004 Emergency Declaration Resolution of 2009."

² D.C. Official Code § 5-1031.

and MPD employees reside. It also omits investigations conducted by the Office of the Inspector General (OIG).

The proposed legislation removes these omissions by providing that tolling of the 90 day period would occur when the act is "the subject of a criminal investigation," regardless of the entity conducting the investigation. It also provides that the 90 day period would be tolled for investigations by OIG.

Last, the proposed bill provides that tolling provisions included in the proposed legislation would apply to "all corrective or adverse actions pending before any body," as well as those that arise after the proposed bill is enacted.

Financial Plan Impact

Funds are sufficient in the FY 2009 through FY 2012 budget and financial plan to implement the provisions of the proposed legislation. Implementation of the proposed bill would not significantly impact the budget and financial plan.